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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Toshiyuki FUKUSHIMA et al. : **Mail Stop: PCT**

Serial No. 10/588,972 : Attorney Docket No. 2006_1207A

Filed August 10, 2006 :

RECORDING/REPRODUCING DEVICE
[Corresponding to PCT/JP2005/010672
Filed June 10, 2005]

**SUBMISSION OF ENGLISH VERSIONS OF INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY AND WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith for consideration by the Examiner are:

- 1) An English version of the International Preliminary Report on Patentability; and
- 2) An English version of the Written Opinion of the International Searching

Authority.

Respectfully submitted,

Toshiyuki FUKUSHIMA et al.

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January 29, 2007

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference P38308-P0	FOR FURTHER ACTION		See item 4 below
International application No. PCT/JP2005/010672	International filing date (<i>day/month/year</i>) 10 June 2005 (10.06.2005)	Priority date (<i>day/month/year</i>) 11 June 2004 (11.06.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

<input checked="" type="checkbox"/> Box No. I	Basis of the report
<input type="checkbox"/> Box No. II	Priority
<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/> Box No. VI	Certain documents cited
<input type="checkbox"/> Box No. VII	Certain defects in the international application
<input type="checkbox"/> Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis.2).

Date of issuance of this report 14 December 2006 (14.12.2006)
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Authorized officer

Masashi Honda

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The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland

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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

TRANSLATION
PCT

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

		Date of mailing (day/month/year)
Applicant's or agent's file reference P38308-P0		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/JP2005/010672	International filing date (day/month/year) 10.06.2005	Priority date (day/month/year) 11.06.2004
International Patent Classification (IPC) or both national classification and IPC		
Applicant MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.		

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language
which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material
 in written format
 in computer readable form
 - c. time of filing/furnishing
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																									
<p>1. Statement</p> <table> <tr> <td>Novelty (N)</td> <td>Claims</td> <td>1-18</td> <td>YES</td> </tr> <tr> <td></td> <td>Claims</td> <td></td> <td>NO</td> </tr> <tr> <td>Inventive step (IS)</td> <td>Claims</td> <td></td> <td>YES</td> </tr> <tr> <td></td> <td>Claims</td> <td>1-18</td> <td>NO</td> </tr> <tr> <td>Industrial applicability (IA)</td> <td>Claims</td> <td>1-18</td> <td>YES</td> </tr> <tr> <td></td> <td>Claims</td> <td></td> <td>NO</td> </tr> </table>			Novelty (N)	Claims	1-18	YES		Claims		NO	Inventive step (IS)	Claims		YES		Claims	1-18	NO	Industrial applicability (IA)	Claims	1-18	YES		Claims		NO
Novelty (N)	Claims	1-18	YES																							
	Claims		NO																							
Inventive step (IS)	Claims		YES																							
	Claims	1-18	NO																							
Industrial applicability (IA)	Claims	1-18	YES																							
	Claims		NO																							
<p>2. Citations and explanations:</p> <p>Document 1: JP 2001-357452 A (Sony Corp.), 26 December 2001, Par. No. 0083, 0089, 0146, 0147, Figs. 1, 15 (Family: none)</p> <p>Document 2: JP 2001-332021 A (Matsushita Electric Industrial Co., Ltd.), 30 November 2001, Par. No. 0038-0045 (Family: none)</p> <p>Document 3: JP 2002-184104 A (Matsushita Electric Industrial Co., Ltd.), 28 June 2002, Par. No. 0006, Fig. 1 (Family: none)</p> <p>Document 4: JP 11-18039 A (Matsushita Electric Industrial Co., Ltd.), 22 January 1999, Par. No. 0106-0122, 0124, 0126 (Family: none)</p> <p>Document 5: JP 2003-179852 A (Matsushita Electric Industrial Co., Ltd.), 27 June 2003, Par. No. 0005, 0007 (Family: none)</p> <p>Document 6: JP 2003-123386 A (Matsushita Electric Industrial Co., Ltd.), 25 April 2003, Par. No. 0012-0017 (Family: none)</p> <p>Document 7: JP 10-064178 A (Sony Corp.), 06 March 1998, Par. No. 0010, 0011 & EP 0365306 A1</p> <p>Document 8: JP 11-259964 A (Sony Corp.), 24 September 1999, Par. No. 0114, 0125, 0131 (Family: none)</p>																										

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box V

The inventions of claims 1, 2, 8, 11, 18 do not appear to involve an inventive step based on documents 1-3 cited in the ISR.

Document 1 describes a technology according to which a musical data are recorded in advance from a recording unit 104 (equivalent to a first recording area) to a MD (equivalent to a second recording area), the management information U-TOC (equivalent to management data) is updated according to the selection determination in the user control unit (equivalent to reception means), a MD is produced in which only the selected musical data are effective and data other than the selected data cannot be reproduced, and then the MD is discharged to the outside, thereby making it possible to shorten the production time of the MD having the desired musical data recorded therein.

Document 2 describes a copyright protection technology by which input data that were once recorded are invalidated by controlling file management information in a HDD recording unit 1602 of a transfer source so that data prohibited for copying be not present in a duplicate form during the transfer, and the data of the transfer source are validated after the data located inside the VTR reproduction unit 1601 of the transfer source are confirmed to be made impossible to reproduce, and using this technology in combination with the technology described in document 1 would be easy for a person skilled in the art.

Document 3 describes that backup media is created without requiring any time by simultaneously recording the same input data in the first recording means (equivalent to first holding means of claim 12) having a fixed media (equivalent to the first recording area and first recording body of claim 12) and the second recording means (equivalent to second holding means of claim 12) having a removable media (equivalent to the second recording area and second recording body of claim 12), and using this technology in combination with the technology described in document 1 would be easy for a person skilled in the art.

The invention of claim 3 does not appear to involve an inventive step based on documents 1-4 cited in the ISR.

Document 4 describes that a program of the same title as the program saved by past reproductions is saved automatically, and using this feature in the technology described in document 1 would be easy for a person skilled in the art.

The invention of claim 15 does not appear to involve an inventive step based on documents 1-5 cited in the ISR.

Document 5 describes that the received video-audio signal is compressed and converted into the first video-audio file and second video-audio file of different formats and the two files are recorded on the same recording medium and managed as one contents. Using this feature in the technology described in document 1 would be easy for a person skilled in the art.

The inventions of claims 4-7, 9, 10 do not appear to involve an inventive step based on documents 1-6 cited in the ISR.

Document 6 describes that a compression method (equivalent to the format and bit rate) is determined so that the reference data be recorded in all non-recorded areas by

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Supplemental Box

V

comparing the size of compressed data (equivalent to the second information) subjected to compression to the object data (equivalent to the first information of the first recording medium and the data size of non-recorded areas of the second recording medium (equivalent to the second recording area) with the dubbing address when dubbing is performed. Using this feature in the technology described in document 1 would be easy for a person skilled in the art.

The inventions of claims 12, 13, 16 do not appear to involve an inventive step based on documents 1-7 cited in the ISR.

Document 7 describes that when an eject command (equivalent to discharge command) is inputted, the TOC is written to the optical disk, followed by ejection. Using this feature in the technology described in document 1 would be easy for a person skilled in the art.

The inventions of claims 14, 17 do not appear to involve an inventive step based on documents 1-8 cited in the ISR.

Document 8 describes that a portable recording and reproduction device 70 is connected to a music server 50 and when musical data are transferred from a HDD 106 located in the music server 50 into a HDD 106 located in the portable recording and reproduction device 70, the transfer flag is set to "1" inside the portable recording and reproduction device 70, that is, when the actual data are present, but in the case where the reproduction disallowed data have already been present, the transfer flag is changed to "0", that is, the reproduction is allowed. Using this feature in the technology described in document 1 would be easy for a person skilled in the art.